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**Paragon Systems, Inc. and Committee for Fair and Equal Representation (CFER Union). Case 13–CA–241354**

November 29, 2019

**DECISION AND ORDER**

BY CHAIRMAN RING AND MEMBERS KAPLAN  
AND EMANUEL

The General Counsel seeks a default judgment in this case on the ground that Paragon Systems, Inc. (the Respondent) has failed to file an answer to the complaint. Upon a charge filed by Committee for Fair and Equal Representation (CFER Union) (the Union) on May 13, 2019, the General Counsel issued a complaint and notice of hearing on August 1, 2019 alleging that the Respondent has violated Section 8(a)(5) and (1) of the Act. The Respondent failed to file an answer.

On September 18, 2019, the General Counsel filed with the National Labor Relations Board a Motion for Default Judgment. On September 20, 2019, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on Motion for Default Judgment**

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively stated that unless an answer was received on or before August 15, 2019, the Board may find, pursuant to a motion for default judgment, that the allegations in the complaint are true. Further, the undisputed allegations in the General Counsel's motion disclose that the Region, by letter dated August 29, 2019, advised the Respondent that unless an answer was received by September 5, 2019, the Region would pursue a default judgment. Nevertheless, the Respondent failed to file an answer.

In the absence of good cause being shown for the failure to file an answer, we deem the allegations in the complaint to be admitted as true, and we grant the General Counsel's Motion for Default Judgment.

On the entire record, the Board makes the following

**FINDINGS OF FACT**

**I. JURISDICTION**

At all material times, the Respondent has been an Alabama corporation with an office and place of business in Chicago, Illinois (the Chicago facility), and has been engaged in providing security guard services at various federal government facilities throughout the United States of America.

During the calendar year ending December 31, 2018, the Respondent, in conducting its operations described above, performed services valued in excess of \$50,000 in states other than the State of Illinois.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

**II. ALLEGED UNFAIR LABOR PRACTICES**

At all material times, Laura Hagan has held the position of the Respondent's Vice President/General Counsel and has been a supervisor of the Respondent within the meaning of Section 2(11) of the Act and an agent of the Respondent within the meaning of Section 2(13) of the Act.

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time security guards assigned by the Respondent to the federal buildings in the state of Illinois pursuant to the Respondent's Contract No. HSHQE5-14-D-00001 (the "DHS/FPS Contract") with the U.S. Department of Homeland Security/Federal Protective Service, and its successor(s), for the provision of security services at said facilities, but excluding all managers, supervisors, assistant supervisors, sergeants, lieutenants, captains, office and/or clerical employees, and all other employees of the Respondent.

At all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 16, 2017, through December 21, 2020.

At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

Since about April 3, 2019, the Union has requested in writing that the Respondent furnish it with the following information:

(1) Copies of all emails between the Respondent and Federal Protective Services regarding Kim Washington, Jesse Allen, Julio Barrera, Latricia Thompson, Exell

Owens, Bernard Laramore, Will Davis, and Viesha Young allegedly failing a covert test; and

(2) Dates Kim Washington, Jesse Allen, Julio Barrera, Latricia Thompson, Ezell Owens,<sup>1</sup> Bernard Laramore, Will Davis, and Viesha Young were removed from bid posts for allegedly failing the covert test.

The information requested by the Union, as described above, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the unit.

Since April 3, 2019, the Respondent has failed and refused to furnish the Union with the requested information described above.

#### CONCLUSION OF LAW

By the conduct described above, the Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(5) and (1) of the Act. The Respondent's unfair labor practice described above affects commerce within the meaning of Section 2(6) and (7) of the Act.

#### REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent violated Section 8(a)(5) and (1) of the Act by failing and refusing to provide the Union with requested information that is necessary and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the unit employees, we shall order the Respondent to provide the Union with the information it requested since about April 3, 2019.

#### ORDER

The National Labor Relations Board orders that the Respondent, Paragon Systems, Inc., Chicago, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with the Committee for Fair and Equal Representation (CFER Union) (the Union) by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Respondent's unit employees.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Furnish to the Union in a timely manner the information requested since about April 3, 2019.

(b) Within 14 days after service by the Region, post at its Chicago, Illinois facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since August 13, 2018.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 13 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. November 29, 2019

John F. Ring, Chairman

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

<sup>1</sup> In the complaint, Owens' first name is spelled alternately as "Exell" or "Ezell." The spelling has no impact on the conclusion or remedy.

APPENDIX  
NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

- Form, join, or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT refuse to bargain collectively with Committee for Fair and Equal Representation (CFER Union) (the Union) by refusing to furnish it with requested information that is relevant and necessary to the Union's performance as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL promptly furnish to the Union the information it requested on April 3, 2019.

PARAGON SYSTEMS, INC.

The Board's decision can be found at <http://www.nlr.gov/case/13-CA-241354> or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

